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October 23, 2002

Transmitted via Facsimile Only: 703-872-9645

United States Patent and Trademark Office

Attn: Deposit Account

Washington, DC 20231

RE: U.S. Patent Application No.: 09/761,025
U.S.P.T.O Account No.: 083440/ Huntley & Associates
REFUND

Dear Sir or Madam:

In response to several conversations with Examiner Sanza L. McClendon, we are requesting a refund in the amount of \$425 due to the incorrect charge of \$400 for a two-month extension as well as the \$25 service charge.

We received an Office Action on April 19, 2002 with a mailing date of March 11, 2002. We had three months to respond, or by June 11, 2002. A response was timely sent on May 20, 2002, as evidenced by the Certificate of Mailing. On July 16, 2002, our Deposit Account was incorrectly charged in the amount of \$400 for a two-month extension.

Enclosed are copies of the July 31, 2002 Monthly Statement of Deposit Account as well as the first pages of the Office Action and our Response.

Thank you for your assistance in this matter. If you have any questions, please call me. My direct line is (302) 426-0618.

Yours sincerely,


Terese J. Welch

Paralegal

Attachments
L:\office\deposit.2.doc



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20531
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,025	01/16/2001	Shin Utsunomiya	KOGYO-7	4717

7590

03/11/2002

Brian A. Gomez
P.O. Box 948
Wilmington, DE 19899-0948

EXAMINER

MCCLENDON, SANZA L

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 03/11/2002

9

Please find below and/or attached an Office communication concerning this application or proceeding.

RECD

APR 19 2002

DINH

Office Action Summary

Application No.

09/761,025

Applicant(s)

UTSUNOMIYA ET AL.

Examiner

Sanza L. McClendon

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-10 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:


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**MONTHLY STATEMENT
 OF DEPOSIT ACCOUNT**

 To replenish your Deposit Account, detach and
 return top portion with your check. Make check
 payable to Commissioner of Patents & Trademarks.

Account No.	083440
Date	7-31-02
Page	1

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FINA

WILMINGTON DE 19899-0948

 PLEASE SEND REMITTANCES TO:
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 Chicago, Ill. 60673

DATE POSTED			CONTROL NO.	DESCRIPTION (Serial, Patent, TM, Order)	DOCKET NO.	FEE CODE	CHARGES/ CREDITS	BALANCE
MO.	DAY	YR.						
7	16	02	6	09761025	KOBYD-7	116	400.00	1159.00
7	16	02	221	869208	3078	466	300.00	859.00
7	26	02	10	10134221	HOKUSHIN-5	105	130.00	729.00
7	31	02	86	SERVICE CHARGE		608	25.00	704.00
4466 - Certified copies of +M Application 221 - Request for Oral Hearing K-7 - 2 month Extension								
AN AMOUNT SUFFICIENT TO COVER ALL SERVICES REQUESTED MUST ALWAYS BE ON DEPOSIT				OPENING BALANCE	TOTAL CHARGES		TOTAL CREDITS	CLOSING BALANCE
				1559.00	855.00		0.00	704.00

Received from < 302 426 0612 > at 10/24/02 9:54:32 AM [Eastern Daylight Time]

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